



Atty. Docket: 58764.000036  
Application No.: 10/040,906

1638

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Greta ARNAUT et al.

Serial No.: 10/040,906

Filed: January 9, 2002

Art Unit: 1638

Examiner: Anne R. Kubelik

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For: NOVEL BACILLUS THURINGIENSIS INSECTICIDAL PROTEINS

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. §§ 1.56, 1.97, and 1.98, Applicants respectfully requests consideration of the references listed on the attached Form PTO-1449. Copies of the references listed are also enclosed.

Applicants respectfully request that the Examiner consider the references cited on the Form PTO-1449 and that the Examiner indicate that the references have been considered in this application by returning a copy of the Form PTO-1449 with the Examiner's initials in the left column per MPEP 609.

Applicants respectfully point out that the submission of the listed references in this Information Disclosure Statement is not an admission that they are prior art or that they are material to patentability of any claims of the application. Also, the submission of this Information Disclosure Statement is not an indication that a search has been made.

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This IDS is submitted prior to the issuance of a first Office Action on the merits; therefore, it is believed that no fees are required in connection therewith. If any fees are necessitated by the filing of this Information Disclosure Statement, please charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS, LLP

Date:

Sept. 23, 2003

By:

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DHM/sdw

<b>FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (REV. 7-80) PATENT AND TRADEMARK OFFICE</b>				<b>ATTY. DOCKET NO.:</b> 58764.000036		<b>SERIAL NO.:</b> 10/040,906	
<b>LIST OF MATERIALS CITED BY APPLICANT</b>  (Use several sheets if necessary) <b>Page 1 of 1</b>				<b>INVENTOR'S NAME:</b> Greta ARNAUT et al.		<b>EXAMINER:</b> Anne R. Kubelik	
				<b>FILING DATE:</b> January 9, 2002		<b>GROUP:</b> 1638	
<b>DOMESTIC PATENT DOCUMENTS</b>							
<b>*EXAMINER INITIAL</b>		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>NAME</b>	<b>CLASS</b>	<b>SUBCLASS</b>	<b>FILING DATE</b>
	1.	5,073,632	12-17-1991	Donovan	536	27	07-11-1989
	2.	6,489,542	12-03-2002	Corbin et al.	800	302	11-04-1998
	3.	6,593,293	07-15-2003	Baum et al.	514	2	09-13-2000
<b>FOREIGN PATENT DOCUMENTS</b>							
		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>COUNTRY</b>	<b>CLASS AND SUBCLASS</b>	<b>TRANSLATION PROVIDED</b>	
						<b>Yes</b>	<b>No</b>
	4.	98/40490 A1	09-17-1998	PCT	C12N 15/32		
	5.	00/26371 A1	05-11-2000	PCT	C12N 15/12		
	6.	01/19859 A2	03-11-2001	PCT	C07K 14/00		
	<b>OTHER MATERIALS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>						
	7.	Certified copy of U.S. Provisional Application No. 60/153,995, filed Sept. 15, 1999					
	8.	KOTA, M. et al., "Overexpression of the <i>Bacillus thuringiensis</i> (Bt) Cry2Aa2 protein in chloroplasts confers resistance to plants against susceptible and Bt-resistant insects," Proc. Natl. Acad. Sci. USA, Vol. 96, pp. 1840-1845, March 1999, Agricultural Sciences					
	9.	MAQBOOL, S. B. et al., BNS No: XP-000881596, Dec. 1998					
	10.	WIDNER, W. R. et al., "Two highly related insecticidal crystal proteins of <i>Bacillus thuringiensis</i> subsp. <i>kurstaki</i> possess different host range specificities," Journal of Bacteriology, Feb. 1989, pp. 965-974					
	11.	WU, D. et al., "Sequence of an operon containing a novel $\delta$ -endotoxin gene from <i>Bacillus thuringiensis</i> ," FEMS Microbiology Letters 81 (1991), pp. 31-36					
<b>EXAMINER</b>				<b>DATE CONSIDERED</b>			
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							